

**Hearing Date and Time: April 27, 2012, 10 a.m.**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:	:
	: Chapter 11
PAUL F. WALLACE, <u>et al.</u> ,	:
	: Case No. 10-22998 (RDD)
Debtors.	: Jointly Administered
	:
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PAUL F. WALLACE, MOA-CODY, L.L.C.,	:
MOA HOSPITALITY, and MARTINDALE	: Adversary Proceeding
CORP.	: No. 10-08381 (RDD)
	:
Plaintiffs,	:
	:
- against -	:
	:
BSC PROPERTIES, INC., CCJ HOLDING	:
CORP., CLEAR SKY ASSOCIATES LLC,	:
FRANK W. CUIFFO, PRESTON ASSOCIATES	:
LLC, RONALD P. STEWART and RS	:
HOSPITALITY LLC,	:
	:
Defendants.	:
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**NOTICE OF MOTION TO DISMISS**

PLEASE TAKE NOTICE THAT, upon the accompanying Memorandum of Law and appendices thereto, Declaration of Frank W. Cuiffo dated March 16, 2012, and exhibits thereto, and all pleadings and proceedings heretofore had before this Court, Defendants BSC Properties, Inc., CCJ Holding Corp., Clear Sky Associates LLC, Frank W. Cuiffo, Preston Associates LLC, Ronald P. Stewart, and RS Hospitality LLC, by their undersigned counsel, will move before the Honorable Robert D. Drain of the United States Bankruptcy Court for the Southern District of New York, 300 Quarropas Street, White Plains, New York 10601, on April 27, 2012, at 10:00

A.M., for an order dismissing the Second Amended Complaint in the above-captioned adversary proceeding, with prejudice, pursuant to Federal Rule of Civil Procedure 12, as incorporated in the Federal Rule of Bankruptcy Procedure 7012.

Dated: March 16, 2012

Respectfully submitted,

VENABLE LLP

By: /s/ David N. Cinotti  
Lawrence H. Cooke II  
(lhcooke@venable.com)  
Edward A. Smith (easmith@venable.com)  
David N. Cinotti (dncinotti@venable.com)  
Rishi Kapoor (rkapoor@venable.com)  
Rockefeller Center  
1270 Avenue of the Americas, 24<sup>th</sup> Floor  
New York, New York 10020  
Telephone: (212) 307-5500  
Facsimile: (212) 307-5598

*Counsel for Defendants*